

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

DAVID MAGEE,
Plaintiff,

*

C.A. NO.: 04-11215-RCL

*

*

v.

*

*

F/V IT AIN'T EASY and
GRACE FISHING, INC.
Defendants.

*

*

*

JOINT MOTION
FOR EXTENSION OF TIME TO COMPLETE DISCOVERY
AND TO AMEND SCHEDULING ORDER

The parties request this court grant an extension of time within which to complete discovery until August 1, 2005, and to amend the scheduling order accordingly.

In support of this motion, the parties set forth the reasons below.

1. On or about December 12, 2002, the plaintiff was in the employ of the defendant, Grace Fishing, Inc., as a seaman and member of the crew of the F/V IT AIN'T EASY. While the F/V IT AIN'T EASY was in navigable waters and while the plaintiff was in the exercise of due care and in the performance of his duties, he sustained severe and painful personal injuries.
2. On June 4, 2004, the plaintiff filed suit under the Jones Act, the general maritime law based upon unseaworthiness, and for maintenance and cure.

3. The case has been progressing steadily toward an end result subsequent to its filing. Discovery is ongoing. The deposition of Captain Mike McDonald of the F/V IT AIN'T EASY has been noticed. Due to the fact that the witnesses are commercial fishermen and they are at sea much of the time, depositions have been very difficult. However, it appears that they will be available within the next sixty (60-90) days.

4. Based upon information to be obtained during his deposition, counsel for the plaintiff requests additional time to forward this testimony to the expert for evaluation.

5. In the normal course of proceedings, factual discovery is completed prior to the completion of expert disclosures.

CONCLUSION

For these reasons, the parties request this court to extend the time within which to complete discovery until August 1, 2005 and to amend the scheduling order accordingly.

Respectfully submitted,

The Plaintiff,
DAVID MAGEE
By his attorneys,

/s/ David B. Kaplan

DAVID B. KAPLAN, ESQUIRE
BBO NO.: 258540
THE KAPLAN/BOND GROUP
88 Black Falcon Avenue, Suite 301
Boston, MA 02210
(617) 261-0080

The Defendants,
F/V IT AIN'T EASY and
GRACE FISHING, INC.

/s/ Joseph A. Regan, Esquire

JOSEPH A. REGAN, ESQUIRE

BBO NO.: 543504

REGAN & KIELY, LLP

85 Devonshire Street

Boston, MA 02109

(617) 723-0901

DATED: April 29, 2005